

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

**IN THE MATTER OF THE APPLICATION)
OF MARY G. PARMLEY, DAVID H. LYONS,)
AND JOSEPH E. HAGAR FOR RENEWAL)
OF AN AQUACULTURE LEASE LOCATED)
IN THE DAMARISCOTTA RIVER,)
NEWCASTLE, LINCOLN COUNTY, MAINE)**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
DECISION**

On December 20, 2002, Mary G. Parmley, David H. Lyons, and Joseph E. Hagar (applicants) applied for the renewal of an aquaculture lease issued on July 5, 1993. The applicants requested a ten-year renewal, to July 4, 2013, of a 1.0-acre suspended culture lease located in the Damariscotta River, Newcastle, Lincoln County, Maine.

Notice of the application for lease renewal was published in the May 2003 issue of Commercial Fisheries News and the April 10, 2003 and April 24, 2003 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to May 10, 2003 to request a hearing on the application for lease renewal. No requests for a hearing on this application were received by the Department during the comment period. One comment was submitted by the Maine Department of Inland Fisheries and Wildlife (MDIFW), who stated that a new eagle nest is located on Hog Island and therefore the lease site is located within an Essential Habitat. However, because the aquaculture operations were in place prior to the eagle establishing a new nest, MDIFW does not oppose the renewal application.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease may be renewed unless the lessee has not complied with the original lease agreement during its term, substantially no aquaculture or research has been conducted, the Commissioner finds that it is not in the best interest of the state to renew the lease taking into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public

interest, or that the renewal will cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres.

The applicants have complied with the lease agreement during its ten-year term. They have conducted shellfish aquaculture on the site. There are no known conflicts with other new or existing uses of the area. As noted by MDIFW, there is a new eagle nest located near the lease site. However, because the nest was established after the aquaculture activities were in place, it does not appear that the aquaculture activities conflict with the existence of the eagle's nest. Additionally, the renewal of this lease will not cause the applicants to lease more than 250 acres.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document: STARTING at the point Latitude 44°00'49.913"N, Longitude 69°32'55.248"W (datum NAD83/WGS84), and point of beginning; thence 10.55° True, a distance of 220 feet to the northwest corner; thence 100.55° True, a distance of 220 feet to the northeast corner; thence 190.55° True, a distance of 220 feet to the southeast corner; thence 280.55° True, a distance of 220 feet to the southwest corner and point of beginning. This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

Decision

The Commissioner of Marine Resources grants the application of Mary G. Parmley, David H. Lyons, and Joseph E. Hagar for renewal of the 1.0-acre aquaculture lease located in the Damariscotta River, Newcastle, Maine, for a period of ten years, to July 4, 2013. In the renewal of this lease, Mary G. Parmley, David H. Lyons, and Joseph E. Hagar are subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources